

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TANISIA N. BAKER, a resident of Georgia

Plaintiff,

v.

CARL WEBER, a resident of New York,
individually and as officer of URBAN
BOOKS, LLC, URBAN BOOKS MEDIA,
LLC and KENSINGTON PUBLISHING
CORPORATION, URBAN BOOKS, LLC,
d/b/a URBAN AUDIOBOOKS, a New York
limited liability company, URBAN BOOKS
MEDIA, LLC, a New York limited liability
company; KENSINGTON PUBLISHING
CORPORATION a New York corporation,
VICKIE STRINGER, individually and as an
officer of VICKIE STRINGER
PUBLISHING LLC d/b/a TRIPLE CROWN
PUBLICATIONS, VICKIE STRINGER
AGENCY LLC d/b/a TRIPLE CROWN
PUBLICATIONS, VICKIE STRINGER
PUBLISHING LLC d/b/a TRIPLE CROWN
PUBLICATIONS and VICKIE STRINGER
AGENCY LLC d/b/a TRIPLE CROWN
PUBLICATIONS.

Defendants.

Civil Action No. 1:19-cv-01093 (VSB)

ECF Case

**AFFIDAVIT OF FRANCELINA M.
PERDOMO IN SUPPORT OF
PLAINTIFF'S REQUEST FOR ENTRY
OF DEFAULT**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

FRANCELINA M. PERDOMO, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and a partner at Chinta Perdomo Berks & Fratangelo, LLP, attorneys for the plaintiff, TANISIA BAKER in the above-captioned action and I am familiar with all the facts and circumstances in this action.

2. I submit this affidavit in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, in support of plaintiffs' application for a certificate of default against the defendants, VICKIE STRINGER, VICKIE STRINGER PUBLISHING LLC and VICKIE STRINGER AGENCY LLC (hereinafter the "Defaulting Defendants").

3. This is an action seeking damages against the Defaulting Defendants arising from the their unauthorized use of plaintiff's copyrighted works in violation of 17 U.S.C. § 501 *et seq.*, breach of contract or in the alternative for unjust enrichment, or fraud and conspiracy to commit fraud. In addition, plaintiff seeks a declaratory judgment.

4. Jurisdiction over the subject matter of this action is pursuant to 28 U.S.C. §§ 1338 and 1331 and 28 U.S.C. §§2201-02, as well as supplementary jurisdiction over all claims arising under state law under 28 U.S.C. § 1367(a).

5. This Court has personal jurisdiction over the Defaulting Defendants under NY CPLR § 302(a).

6. The initial Complaint in this action was filed on February 5, 2019 and was corrected on February 6, 2019 (See Docket Entry No. 1 and 5).

7. A true and correct copy of the Summons and Complaint (Docket No. 5), were served upon Vickie Stringer, VICKIE STRINGER PUBLISHING LLC and VICKIE STRINGER AGENCY LLC by serving defendants as follows:

8. A first attempt for service upon Vickie Stringer personally and as an officer of VICKIE STRINGER PUBLISHIN LLC and VICKIE STRINGER AGENCY LLC was made on February 26, 2019 at 7:40 pm at Vickie Stringer's residence at 3124 Genevieve Drive, Columbus, OH 43219. A Black male in his mid to late 30's came to the door. The server said he had a delivery for Vickie Stinger, he said it was too

late and they were not interested, as the server was advising him it was a legal notice the male shut the door. He did confirm Vickie did reside at this location.

Dkt. # 36-1.

9. A second attempt was made on February 28th, 2019 at 3:45 pm but there was no response.
10. A third attempt for service was made on March 2nd, 2019 at 9:45 am. Again no one answered the door even though, it appeared that someone was at the residence. Dkt. # 36-1.
11. Additionally, the process server attempted to serve Ms. Stringer on March 9, 2019 at 3:10 pm at the re-routed location at 2959 Stelzer Road, Suite A, Columbus, Ohio 43219. The location was found to be Unique Image Salon. Employee said they did not know a Vickie and she did not work or occupy this location. Dkt. # 36-1.
12. On March 11th, 2019 at 5:35 pm the process server attempted to serve Ms. Stringer again at the residential location. The same black male came to the door and walked away. The server advised him through the door that it was a legal notice for Vickie Stringer and he was leaving/posting it at the front door for her. There was no further response. As the server was pulling out a neighbor was pulling in her driveway, the server stopped her and asked if she knew if a Vickie Stringer resided at 3124 Genevieve and she said yes, she said she did not personally know her but knew that was who resided there. Dkt. # 36-1.
13. On March 22, 2019 the server mailed the summons and Complaint (Docket No.5) to Ms. Stringer's last known residence at 3124 Genevieve Drive, Columbus, OH 43219. On April 11, 2019 the Proof of Service was filed with the Court. Dkt. # 36.

14. An answer or responsive pleading was due from Vickie Stringer on or before May 12, 2019.

15. A true and correct copy of the Summons and Complaint (Docket No. 5), were personally served on March 18, 2019 upon Mary Bailey at 180 E Broad Street, Columbus, OH 43215, as the designated agent for the Ohio Secretary of State to accept service of process on behalf of VICKIE STRINGER AGENCY LLC. (See Docket Entries Nos. 37 and 37-1).

16. An answer or responsive pleading was due from VICKIE STRINGER AGENCY LLC on or before April 8, 2019.

17. A true and correct copy of the Summons and Complaint (Docket No. 5), were personally served on March 18, 2019 upon Mary Bailey at 180 E Broad Street, Columbus, OH 43215, as the designated agent for the Ohio Secretary of State to accept service of process on behalf of VICKIE STRINGER PUBLISHING LLC. (See Docket Entries Nos. 38 and 38-1).

18. An answer or responsive pleading was due from VICKIE STRINGER PUBLISHING LLC on or before April 8, 2019.

19. However, to date, defaulting defendants have not answered or otherwise responded to plaintiff's Complaint and the time for Defaulting Defendants to do so has expired.

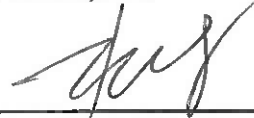
20. This action seeks declaratory judgment against Defaulting Defendants and damages as well as plaintiff's costs and attorney's fees in prosecuting this action.

WHEREFORE, plaintiff requests the entry of Default against the Defaulting Defendants and a corresponding Clerk's Certificate of Default.

Dated: June 17, 2019
New York, New York

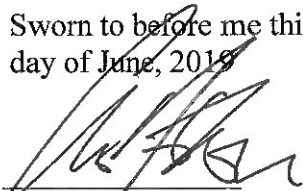
CHINTA PERDOMO BERKS &
FRATANGELO, LLP

By:



Francelina M. Perdomo, Esq.
17 State Street, Suite 4000
New York, NY 10004
Tel.: 212-274-1261
fperdomo@chintaperdomo.com

Sworn to before me this 17th
day of June, 2019


NOTARY PUBLIC

Andrew H. Berks
Attorney and Counselor at Law
State of New York, Richmond County
Reg. No. 02BE6334219
My Commission Expires Dec. 14, 2019